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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-142

13 TAUNJA RANA HEREDIA
8155 San Gregorio RD
Atascadero, CA 93422

ACCUSATION

14 Registered Nursing License No. 524148

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about July 24, 1996, the Board of Registered Nursing (Board) issued
23 Registered Nursing License No. 524148 to Taunja Rana Heredia (Respondent). The Registered
24 Nursing License was in full force and effect at all times relevant to the charges brought herein
25 and will expire on July 31, 2010, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the

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1 following laws. All section references are to the Business and Professions Code (Code) unless
2 otherwise indicated.

3 STATUTORY PROVISIONS

4 4. Section 2750 of the Code provides, in pertinent part, that the Board may
5 discipline any licensee, including a licensee holding a temporary or an inactive license, for any
6 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

7 5. Section 2761 of the Code states:

8 "The board may take disciplinary action against a certified or licensed nurse or
9 deny an application for a certificate or license for any of the following:

10 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

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12 "(f) Conviction of a felony or of any offense substantially related to the
13 qualifications, functions, and duties of a registered nurse, in which event the record of the
14 conviction shall be conclusive evidence thereof.

15 6. Section 490 of the Code states:

16 "A board may suspend or revoke a license on the ground that the licensee has
17 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or
18 duties of the business or profession for which the license was issued. A conviction within the
19 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo
20 contendere. Any action which a board is permitted to take following the establishment of a
21 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
22 been affirmed on appeal, or when an order granting probation is made suspending the imposition
23 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
24 Penal Code."

25 REGULATORY PROVISIONS

26 7. California Code of Regulations, title 16, section 1444, states:

27 "A conviction or act shall be considered to be substantially related to the
28 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the

1 present or potential unfitness of a registered nurse to practice in a manner consistent with the
2 public health, safety, or welfare. Such convictions or acts shall include but not be limited to the
3 following:

4 “(a) Assaultive or abusive conduct including, but not limited to, those violations
5 listed in subdivision (d) of Penal Code Section 11160.

6 8. Section 11160, subdivision (d) of the Penal Code, states:

7 “For the purposes of this section, ‘assaultive or abusive conduct’ shall
8 include any of the following offenses:

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10 “(17) Child abuse or endangerment, in violation of Section 273a or 273d.”

11 **COST RECOVERY**

12 9. Section 125.3 of the Code provides, in pertinent part, that the Board may
13 request the administrative law judge to direct a licentiate found to have committed a violation or
14 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
15 and enforcement of the case.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Convictions for Substantially Related Crimes)**

18 10. Respondent is subject to disciplinary action under section 2761,
19 subdivision (f) and section 490 of the Code, in conjunction with California Code of Regulations,
20 title 16, section 1444, subdivision (a) in connection with Penal Code section 11160 subdivision
21 (d)(17), in that Respondent was convicted of crimes substantially related to the qualifications,
22 functions or duties of a Registered Nurse, as follows:

23 a. On or about August 22, 2007, Respondent was convicted by the Court on
24 pleas of nolo contendere on two separate counts for violating Penal Code section 273A(a)
25 (willful cruelty to Child With Possible Injury or Death), misdemeanors, in the criminal
26 proceeding entitled *The People of The State of California v. Tanuja Rana Heredia* (Super. Ct.
27 San Luis Obispo County, 2005, No. F380575). Respondent was fined, ordered to attend classes
28 and placed on 5 years of formal probation. The circumstances surrounding the convictions are

1 that on or about October 31, 2005, Respondent and her spouse reported their son as a runaway.
2 The Atascadero Police Department was contacted by Child Welfare Services stating that a
3 neighbor reported that the victim arrived at his house and told him that he ran away because his
4 parents had been hurting him. Upon arrival, the social worker observed red marks on the side of
5 his face and hands. The victim was taken to the police department and interviewed, with a social
6 worker present. The victim expressed that his parents had been meting out several forms of
7 punishment: He had been forced to wear a backpack stocked with exercise weights weighing 15
8 pounds at all times—including at night while attempting to sleep; during the preceding week he
9 had been forced to stand in the corner of his locked bedroom with the weighted backpack on until
10 his father arrived home from work at approximately 1:00 a.m.; he was being forced to run on a
11 treadmill for an hour each morning with the weighted backpack on; he was denied breakfast and
12 had to split firewood with an axe for hours while wearing the weighted backpack; while splitting
13 wood for hours at a time, his mother (Respondent) would spray him with the water hose and on
14 at least one occasion, refused to allow him to use the bathroom (advising him to “go” in his
15 pants); out of anger, his mother (Respondent) would often pull him by his ear and/or strike him
16 on the head and face. His father would also frequently strike him and/or place him in a wrist lock
17 and twist his arm; he was often forced to run laps and do push ups by his parents; he was not
18 allowed to eat for days at a time and was only permitted to shower once a week; and he had been
19 denied the use of any sheets or blankets for the past several days leading up to the day he fled the
20 residence because he had previously taken a blanket out of a closet without permission.
21 Thereafter, Child Welfare Services immediately conducted a search of the Respondent’s home
22 and was able to essentially confirm all of the victim’s assertions. Both the victim and his younger
23 brother were promptly placed in protective custody. Subsequently, Respondent and her spouse
24 effectively admitted to having engaged in the vast majority of the physical and emotional abuses
25 detailed above and were arrested by the Atascadero Police Department.

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1 2. Ordering Respondent to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3, and

4 3. Taking such other and further action as deemed necessary and proper.

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6 DATED: 12/17/08

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9 RUTH ANN TERRY, M.P.H., R.N.
10 Executive Officer
11 Board of Registered Nursing
12 Department of Consumer Affairs
13 State of California
14 Complainant

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